

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT E. LEE,

Plaintiff,

CIVIL ACTION NO. 05-60238
HON. JOHN CORBETT O'MEARA

v.

KARLA MCDONALD,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE MAJZOUB'S
REPORT AND RECOMMENDATION

The Court having reviewed Magistrate Judge Majzoub's Report and Recommendation, filed September 21, 2006, as well as any objections thereto filed by the parties, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is accepted and adopted by this Court.

IT IS FURTHER ORDERED that Defendant's motion to dismiss Plaintiff's second amended Complaint (docket no. 31) is GRANTED as to Count II: Gross Negligence, and DENIED as to Counts I and III.

SO ORDERED.

s/John Corbett O'Meara

United States District Judge

Dated: November 09, 2006

Certificate of Service

I hereby certify that the foregoing order was served electronically upon counsel of record on November 12, 2006.

s/William Barkholz

Case Manager